



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
October 7, 2014

MEMBERS, OCONEE COUNTY COUNCIL
Mr. Joel Thrift, District IV, Council Chairman
Mr. Paul Corbeil, District I, Vice Chairman
Mr. Wayne McCall, District II, Chairman Pro Tem
Mr. Paul Cain, District III
Mr. Reg Dexter, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members [except Mr. Cain], County Administrator Scott Moulder, County Attorney Thomas Martin and Clerk to Council Elizabeth G. Hulse present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Ray Chandler/Anderson Independent, Dick Mangrum/WGOG Radio, Ashton Hester/Keowee Courier and Steven Bradley/The Daily Journal.

Call to Order:

Mr. Thrift called the meeting to order at 6:00 p.m.

Public Comment Session / Agenda Action Items Only:

Mr. John Dalen addressed Council in opposition to Ordinance 2014-24.

Ms. Edda Cammick addressed Council in opposition to Ordinance 2014-24.

Ms. Jeanne Geiman addressed Council in opposition to Ordinance 2014-24.

Mr. Bruce Burrell addressed Council in opposition to Ordinance 2014-24.

Mr. John Morgan did not address Council.

Mr. C. W. Richards addressed Council in opposition to Ordinance 2014-24 and other non-agenda matters.

Mr. Randy Simpson addressed Council in opposition to Ordinance 2014-24.

Mr. Russell Price, Home Builders of Oconee County representative, addressed Council asking questions regarding and his opposition to Ordinance 2014-24.

Dr. Nora Field addressed Council in opposition to Ordinance 2014-24.

Ms. Janet Gorman addressed Council in opposition to Ordinance 2014-24.

Mr. Ryan Honea, Planning Commission member, addressed Council in support for Ordinance 2014-24.

Mr. Dick Hughes, Board of Zoning Appeal member, addressed Council in support for Ordinance 2014-24.

Dr. Jim McGeorge addressed Council in opposition to Ordinance 2014-24.

Ms. Becky Ballenger addressed Council in support for Ordinance 2014-24.

County Council Response to Public Comment:

No Council member addressed the public.

Mr. Thrift asked Mr. Martin, County Attorney, to address issues and concerns voiced during public comment regarding **Ordinance 2014-24**.

Initially Mr. Martin noted his services as a public government attorney since 1991 and as a licensed attorney since 1975. He stated that he doesn't engage in politics; noting he is a legal mechanic who to his knowledge has never drafted an illegal or immoral ordinance. He stated his intent is to represent the county as honestly and fairly as he can.

Mr. Martin stated he would address questions that arose regarding why this ordinance is necessary and what the ordinance does that is not covered by state law. He stated that **Ordinance 2014-24** specifically states that the county will defend all county employees [not members of county appointed boards and commissions] engaged in conduct of their official office. Mr. Martin strongly stated that if an employee acts outside the scope of their duties that **Ordinance 2014-24** will **NOT** cover them noting that nothing in the ordinance is illegal or unfair.

Mr. Martin stated that questions arose regarding Council members voting on this ordinance as they would be covered by the ordinance. He stated that his opinion was that members would be able to vote on the ordinance and at the written request of Mr. McCall [copy filed with these minutes] he sought an informal opinion [copy filed with these minutes] from the South Carolina Ethics Commission. Below is an excerpt from that opinion:

“Based on the information provided it appears that the three council members at issue are members of a large class, i.e., all Oconee County employees; therefore, as members of a large class they do not need to remove themselves from discussing and voting on the proposed ordinance.”

Mr. Martin stated that South Carolina law specifically protects individuals elected to public office and public officials within the conduct of their public office; it gives them immunity in virtually all circumstances. The intent is for elected officials representing the citizens to carry out their duties and not fear intimidation, defamation and/or retribution; it is intended to insulate those elected officials so they can carry out their jobs. Again, Mr. Martin stated if an employee acts outside the scope of their duties this ordinance will **NOT** cover them. He stated that state and federal law have a gap whereby you can be innocent but if someone intends to hurt you and sues you in a personal capacity; and if you are deemed to have acted within your official capacity, you will be forced to spend a great deal of money in your own defense. This ordinance covers that gap unless and until a court determines that the individual[s] being sued were acting outside the scope of their office/authority; at which point the employee is on their own for legal costs.

Mr. Thrift thanked Mr. Martin for his thorough & detailed review of **Ordinance 2014-24**.

Moment of Silence

Mr. Thrift asked for a moment of silence prior the Invocation by the County Chaplain.

Invocation by County Council Chaplain:

Mr. Tom Martin, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

Mr. Dexter led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes:

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 4 – 0 to approve the September 16, 2014 regular meeting as presented.

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 4 – 0 to approve the September 22, 2014 workshop meeting as presented.

Administrator's Report & Agenda Summary

Mr. Moulder briefly reviewed with Council and for the public's benefit specifics related to the following matters before Council at this meeting:

- Public Hearings: 2014-17, 2014-20, 2014-22
- Third & Final Readings: 2014-17, 2014-20, 2014-22
- First Reading for Ordinances: 2014-23, 2014-24
- Discussion Items
- Executive Session

Additionally, Mr. Moulder reported on two issues; Rock Quarry Equipment emergency repair and Updated County Wide ISO Rating.

Rock Quarry Equipment Emergency Mr. Moulder noted that a vital component to the crusher broke last week. He addressed the issue with the Chairman who authorized the emergency repair. Mr. Moulder asked that an affirmation of this action be added to the October 21, 2014 regular meeting agenda. Council concurred.

Updated County Wide ISO Rating: Mr. Moulder first thanked the Fire & Rescue management and staff for their hard work; noting that a reduced ISO rating is a huge accomplishment for all members of the teams. He referenced a press release [copy filed with these minutes] noting that Oconee County received a **4 ISO Rating**. This rating covers every home and business in the unincorporated areas of the county that are within 5 miles of a fire station. Council commended Mr. Moulder for a job well done and asked that their appreciation be expressed to staff as well.

Public Hearings regarding the Following Ordinances

Ordinance 2014-17 "AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND **ACI PLASTICS SOUTH, LLC**; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT AND THE CREATION OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK FOR THE PROJECT"

Mr. Thrift opened the floor for Public Comment.

No citizens addressed Council.

Mr. Thrift asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Thrift closed the Public Hearing regarding **Ordinance 2014-17**.

Ordinance 2014-20 "AN ORDINANCE TO AMEND CHAPTER 20 OF THE OCONEE COUNTY CODE OF ORDINANCES TO PROVIDE FOR THE ADOPTION OF SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED: SECTION 4-9-145, ENTITLED *LITTER CONTROL OFFICERS; CUSTODIAL ARREST AUTHORITY; NUMBER OF OFFICERS; POWERS AND DUTIES*, AND SECTION 56-7-80, ENTITLED *COUNTY OR MUNICIPAL UNIFORM ORDINANCE SUMMONS*, AS PART OF SUCH AMENDED CHAPTER 20; AND OTHER MATTERS RELATED THERETO"

Mr. Thrift opened the floor for Public Comment.

Mr. B. J. Littleton addressed Council in opposition to passage of this ordinance.

Mr. Thrift opened the floor for any citizen wishing to address Council regarding this ordinance.

Mr. Berry Nichols addressed Council in opposition to passage of this ordinance.

Mr. Thrift asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Thrift closed the Public Hearing regarding **Ordinance 2014-20**.

Ordinance 2014-22 “AN ORDINANCE TO AMEND OCONEE COUNTY ORDINANCE 2014-01, THE BUDGET ORDINANCE FOR OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1ST, 2014 AND ENDING JUNE 30TH, 2015, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, SO AS TO INCLUDE A PROVISIO FOR DISBURSEMENT OF CERTAIN FUNDS; AND OTHER MATTERS RELATED THERETO”

Mr. Thrift opened the floor for Public Comment.

Noting that no citizens signed up to address Council; Mr. Thrift opened the floor for any citizen wishing to address Council regarding this ordinance. No citizen addressed Council.

Mr. Thrift asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. Thrift closed the Public Hearing regarding **Ordinance 2014-22**.

Third & Final Reading of the Following Ordinances

Ordinance 2014-17 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AGREEMENT BETWEEN OCONEE COUNTY, SOUTH CAROLINA AND **ACI PLASTICS SOUTH, LLC**; AND OTHER MATTERS RELATING THERETO INCLUDING, WITHOUT LIMITATION, PAYMENT OF A FEE IN LIEU OF TAXES RELATED TO THE PROJECT AND THE CREATION OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK FOR THE PROJECT”

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 4 – 0 to approve **Ordinance 2014-17** on third and final reading.

Ordinance 2014-20 “AN ORDINANCE TO AMEND CHAPTER 20 OF THE OCONEE COUNTY CODE OF ORDINANCES TO PROVIDE FOR THE ADOPTION OF SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED: SECTION 4-9-145, ENTITLED *LITTER CONTROL OFFICERS; CUSTODIAL ARREST AUTHORITY; NUMBER OF OFFICERS; POWERS AND DUTIES*, AND SECTION 56-7-80, ENTITLED *COUNTY OR MUNICIPAL UNIFORM ORDINANCE SUMMONS*, AS PART OF SUCH AMENDED CHAPTER 20; AND OTHER MATTERS RELATED THERETO”

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 4 – 0 to approve **Ordinance 2014-20** on third and final reading.

Ordinance 2014-22 “AN ORDINANCE TO AMEND OCONEE COUNTY ORDINANCE 2014-01, THE BUDGET ORDINANCE FOR OCONEE COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1ST, 2014 AND ENDING JUNE 30TH, 2015, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, SO AS TO INCLUDE A PROVISIO FOR DISBURSEMENT OF CERTAIN FUNDS; AND OTHER MATTERS RELATED THERETO”

Mr. Dexter made a motion, seconded by Mr. McCall, approved 4 – 0 to approve **Ordinance 2014-22** on third and final reading.

Second Reading of the Following Ordinances

[None scheduled for this meeting.]

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First Reading of the Following Ordinances

Ordinance 2014-23 [*in title only*] “AN ORDINANCE TO AMEND OCONEE COUNTY ORDINANCE 2014-02, THE BUDGET ORDINANCE FOR THE SCHOOL DISTRICT OF OCONEE COUNTY (the “School District”) FOR THE FISCAL YEAR BEGINNING JULY 1ST, 2014 AND ENDING JUNE 30TH, 2015, IN CERTAIN LIMITED REGARDS AND PARTICULARS, ONLY, SO AS TO REFLECT THE USE OF ADDITIONAL TAX REVENUE AND ADDITIONAL DELINQUENT TAX COLLECTIONS, INCLUDING PENALTIES AND INTEREST, AND DECREASE THE USE OF FUND BALANCE, ALL ON THE REVENUE SIDE OF THE BUDGET; AND OTHER MATTERS RELATED THERETO”

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 4 – 0 to approve **Ordinance 2014-23** on first reading in title only.

Ordinance 2014-24 “AN ORDINANCE AUTHORIZING AND DIRECTING THE PROVISION OF COUNTY-FUNDED LEGAL REPRESENTATION, DEFENSE, AND LIMITED INDEMNIFICATION FOR OCONEE COUNTY EMPLOYEES IN CERTAIN LIMITED CIRCUMSTANCES INVOLVING THE DIRECTION AND PERFORMANCE OF OFFICIAL DUTIES; AND OTHER MATTERS RELATED THERETO”

Mr. McCall voiced concerns regarding this ordinance to include making the ordinance retroactive, expecting citizens to cover council member’s legal fees and his expectation that the council members would maintain liability insurance. He stated that he was very disappointed that this ordinance was before council and that passing this ordinance would be wrong for the citizens of the county.

Mr. Dexter made a motion, seconded by Mr. McCall, approved 3 – 1 [Mr. McCall opposed] to approve **Ordinance 2014-24** on first reading.

First & Final Reading of the Following Resolutions

Resolution R2014-15 “A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY IN OCONEE COUNTY, SOUTH CAROLINA, BY OCONEE COUNTY”

Mr. Moulder noted the Picket Post Fire Station will pay five thousand dollars for the property without the county reimbursing them. He stated that their request was that if the substation is decommissioned that the property reverts to the Picket Post Fire Station. Council concurred.

Mr. Dexter made a motion, seconded by Mr. Corbeil, approved 4 – 0 to approve **Resolution R2014-15** on first & final reading.

Discussion Regarding Action Items:

SC State Library: Library Services & Technology Act Competitive Grant

Mr. Corbeil made a motion, seconded by Mr. Dexter, approved 4 – 0 to approve the application for the SC State Library Grant as presented.

Old Business:

Mosquito Point

Mr. McCall questioned the status of this project. Mr. Moulder stated that the county is waiting for the required public comment period to end so that we can move forward with this project.

New Business:

Grant Writer / Job Sharing with SDOC

Mr. Dexter made a motion, seconded by Mr. McCall, approved 4 – 0 to direct the Administrator to meet with representatives of the SDOC & Sheriff's Office to identify a structure to job share a full time grant writer position.

Executive Session:

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 3 – 1 [Mr. Dexter opposed] to enter Executive Session for the purpose of discussing several Economic Development matters and a litigation matter.

Council entered Executive Session at 7:17 p.m.

Council returned from Executive Session at 7:47 p.m. on a motion by Mr. McCall, seconded by Mr. Corbeil, approved 4 – 0.

Mr. Thrift stated that no action was taken in Executive Session.

Mr. Corbeil made a motion, seconded by Mr. McCall, approved 4 – 0 to authorize the Administrator to proceed with the real property negotiations as discussed in Executive Session.

Public Comment Session Non Agenda Action Items:

Mr. John Dalen addressed Council reading from a prepared statement [copy filed with these minutes] regarding several topics to include his opposition to the Broadband project, speculative buildings, his opposition to the proposed referendum for a one cent capital project tax, SDOC building a new high school, give aways to private companies and his perception that the Council is picking winners and losers.

Ms. Julie Dalen addressed Council reading from a prepared statement [copy filed with these minutes] and provided Council with a handout & CD [also filed with these minutes] regarding her concerns that the county is missing Register of Deeds recording fees. Ms. Dalen asked Council to join a Berkley County, SC lawsuit.

Mr. B. J. Littleton addressed Council voicing concerns centered on the ISIS threat and his personal religious beliefs.

Council Member Comments:

None at this meeting.

Adjourn

Mr. McCall made a motion, approved unanimously 4 - 0, to adjourn at 7:58 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council